

REMARKS

Claims 1-19 are now pending in the application. Claims 18 and 19 are allowed. Claims 1-3, 5-9, 11-17 stand rejected. Claims 4 and 10 stand objected to. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 7-9 and 14-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Small (U.S. Pat. No. 6,232,675, hereinafter Small) in view of Kubota et al. (U.S. Pat. No. 5,357,142, hereinafter Kubota). This rejection is respectfully traversed.

At the outset, Applicant notes independent claims 1 and 7 include “a port switch configured to provide power from said input port to selectable combinations of one or more said output ports, including at least one combination of two or more said output ports,” and the port switch is restricted from selecting all of the output ports simultaneously. Independent claim 14 also includes “selecting a combination of one or more output ports . . . wherein combinations selectable by the port switch include at least one combination of two or more output ports out of at least three output ports.” Applicant respectfully asserts these features as claimed are not taught nor suggested by Small or Kubota either alone or in combination.

Small appears to disclose a pair of relays 48A/48B, 49A/49B, coupled to a switching assembly 67. The relays 48A/48B, 49A/49B enable current to flow to the output terminals 51A/51B, 53A/53B. A stated advantage of Small is to “provide a power distribution unit which would allow power being supplied to electrical components

connected to the output terminals of the power distribution unit to be turned on and off from the power distribution unit." (Col. 1, lines 44-48) This is further described in reference to the operation of the system, specifically "[w]hen the switching assembly is activated, the relay devices are switched on and current is allowed to flow from the input terminal to the output terminals." As noted by the Examiner, Small "does not disclose the port switch restricted from selecting all the output ports simultaneously."

The Examiner states it would be obvious to modify the switch of Small with the switch of Kubota. Applicant respectfully, but strongly, disagrees. Specifically, the proposed modification by the Examiner would change the principle of operation of Small and is therefore improper. In particular:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)

By modifying Small with the teachings of Kubota, the relay switches of Small would be activated one at a time and not simultaneously as desired. More specifically, when the switching device as taught by Kubota is switched on, only one relay device would be switched on, in direct conflict with the stated advantages and principle of operation of Small's invention.

It should be further noted that Small does not teach or suggest whatsoever the use of a rotary switching member to engage only one of the relays. Rather, Small discloses a relay system wherein the relays are switched on simultaneously. The courts have held that:

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so." ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Thus, Applicant further asserts this rejection is improper, and accordingly, Applicant respectfully asserts independent claims 1, 7 and 14 are patentable and in condition for allowance. In addition, as claims 2, 3, 8, 9 and 15 depend from independent claims 1, 7 and 14, Applicant respectfully submits these claims are also patentable and in condition for allowance. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 5 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Small in view of Kubota et al., and further in view of Potega (U.S. Pat. No. 6,459,175). This rejection is respectfully traversed.

Applicant notes claims 5 and 11 depend from either independent claim 1 or 7. As stated previously, Applicant believes claims 1 and 7 are patentable and in condition for allowance. Accordingly, Applicant believes claims 5 and 11 are also patentable and in condition for allowance. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 6, 12, 13, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Small in view of Kubota et al. This rejection is respectfully traversed.

Applicant notes claims 6, 12, 13, 16 and 17 depend from either independent claims 1, 7 or 14. As stated previously, Applicant believes claims 1, 7 and 14 are patentable and in condition for allowance. Accordingly, Applicant believes claims 6, 12,

13, 16 and 17 are also patentable and in condition for allowance. Reconsideration and withdrawal of these rejections are respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 18 and 19 are allowed. Examiner also states that claims 4 and 10 would be allowable if rewritten in independent form. Applicant thanks the Examiner for this preliminary indication of allowable subject matter. Amendments to these claims are being postponed pending the Examiner's review of the remarks contained herein.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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